

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

THE ESTATE OF YARON UNGAR,  
et al

v.

THE PALESTINIAN AUTHORITY,  
et al

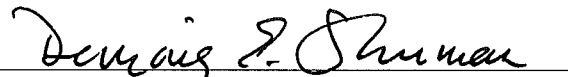
C.A. No. 00-105L

**PALESTINIAN DEFENDANTS' OBJECTION TO PLAINTIFFS'  
MOTION PURSUANT TO FED.R.CIV.P. 37(b)(2) FOR JUDGMENT  
BY DEFAULT AGAINST DEFENDANT PA AND FOR OTHER RELIEF**

Defendants The Palestinian Authority and The PLO hereby object to Plaintiffs' Motion Pursuant to Fed. R.Civ.P. 37(b)(2) for Judgment by Default Against Defendant PA and for Other Relief.

A Memorandum is filed herewith.

Dated: March 3, 2003



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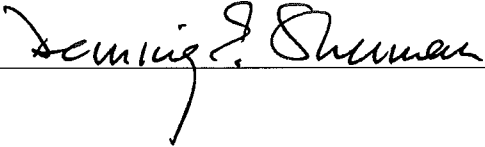
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Attorneys for Defendants  
The Palestinian Authority and  
The PLO



**CERTIFICATE OF SERVICE**

I hereby certify that on the 3rd day of March, 2003, I faxed and mailed a copy of the within Palestinian Defendants' Objection to Plaintiffs' Motion Pursuant to Fed.R.Civ.P. 37(b)(2) for Judgment by Default Against Defendant PA and for Other Relief to David J. Strachman, Esq., Skolnik, McIntyre & Tate Esqs., Ltd., Suite 400, 321 South Main Street, Providence, RI 02903 and mailed to Nitsana Darshan-Leitner, Esq., 28 Emek Ayalon Street, Modi'in 71770, Israel.

  
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FOR THE DISTRICT OF RHODE ISLAND

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**MEMORANDUM IN SUPPORT OF  
PALESTINIAN DEFENDANTS' OBJECTION TO PLAINTIFFS'  
MOTION PURSUANT TO FED.R.CIV.P. 37(b)(2) FOR JUDGMENT  
BY DEFAULT AGAINST DEFENDANT PA AND FOR OTHER RELIEF**

This Memorandum by the defendants the Palestinian Authority and Palestine Liberation Organization, constituting the present government of Palestine, is submitted in support of their objection to Plaintiffs' Motion Pursuant to Fed.R.Civ.P. 37(b)(2) for Judgment by Default Against Defendant PA and For Other Relief mailed on February 11, 2003.

**ARGUMENT**

This Motion seeks relief solely against the Palestinian Authority as the sole defendant to whom plaintiffs' discovery demands were directed.

Defendants PA and PLO object to the entry of default sought by plaintiffs on this motion and respectfully incorporate by reference in support of their objection as if fully set forth herein (1) defendants' motion and memorandum filed on January 27, 2003 seeking reconsideration of the Court's Order of January 14, 2003 and requesting the Court to set aside and/or stay its discovery order of January 14, 2003 and (2) their objection and supporting memorandum, filed on February 27, 2003, to plaintiffs' motion to enter default against them pursuant to Fed.R.Civ.P. 55(a), from which it appears, as set forth and developed more fully

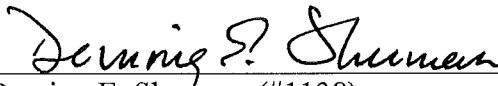
therein, that (1) it is not possible for the PA/PLO defendants to comply with the discovery Order of January 14, 2003 under circumstances existing since the Order of this Court of November 4, 2002 and for months prior thereto, as is demonstrated by the letter from Ambassador Al-Kidwa dated January 27, 2003 to Magistrate Judge Martin and (2) there should be no entry of default or further pleadings or discovery prior to defendants' interlocutory appeal of the denial of their related claims of immunity and lack of subject matter jurisdiction.

**Conclusion**

Plaintiffs' motion for entry of default should be denied. Defendants' pending request for a stay of all proceedings, made as part of its pending motion of November 20, 2002 for reconsideration, which would include a stay of filing responses to plaintiffs' discovery requests, should be granted.

Respectfully submitted,

Dated: March 3, 2003

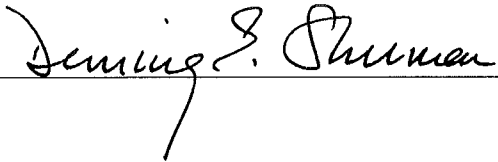
  
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